

Naghti l-kunsens tiegħi.

(L.S.)

GEORGE HYZLER  
Agent President

8 ta' Awissu, 2006

### ATT Nru. XV ta' l-2006

*ATT biex jemenda diversi liġijiet dwar l-infurzar ta' poteri fil-protezzjoni tal-konsumaturi.*

1. (1) It-titolu fil-qosor ta' dan l-Att hu Att ta' l-2006 li jemenda <sup>Titolu fil-qosor.</sup> l-Liġijiet dwar il-Protezzjoni tal-Konsumatur.

(2) Id-disposizzjonijiet ta' dan l-Att jitqiesu li dahlu fis-sehħ fid-29 ta' Diċembru, 2005.

### Taqsimi I

2. Din it-Taqsimi temenda u ghandha tinqara u tiftiehem bħala <sup>Emenda ta' l-Att</sup> <sup>dwar l-Affarijiet</sup> <sup>tal-Konsumatur,</sup> <sup>Kap. 378.</sup> haġa waħda ma' l-Att dwar l-Affarijiet tal-Konsumatur, hawn iżjed <sup>il</sup> quddiem f'din it-Taqsimi msejjah "l-Att prinċipali".

3. L-Artikolu 2 ta' l-Att prinċipali ghandu jiġi emendat kif <sup>Emenda ta'</sup> <sup>l-artikolu 2 ta' l-Att</sup> <sup>prinċipali.</sup> ġejja:

(a) minnufih wara t-tifsira "qorti ordinarja", ghandha tidhol din it-tifsira ġdida li ġejja:

“Regolament dwar il-ko-operazzjoni u l-protezzjoni tal-konsumatur” f'isser ir-Regolament (KE) Nru 2006/2004 tal-Parlament Ewropew u tal-Kunsill tas-27 ta' Ottubru 2004 dwar il-ko-operazzjoni bejn l-awtoritajiet nazzjonali

responsabbli għall-infurzar tal-liġijiet tal-protezzjoni tal-konsumaturi (test b'rilevanza għaż-ŻEE);” u

(b) minnufih wara t-tifsira “servizzi”, għandha tiżdied it-tifsira ġdida li ġejja:

“ “Stat taż-ŻEE” tfisser Stat li huwa parti kontraenti fil-ftehim dwar iż-Żona Ekonomika Ewropea, iffirmit f’Oporto fit-2 ta’ Mejju, 1992 kif emendat bil-Protokoll li kien iffirmit fi Brussell fis-17 ta’ Marzu, 1993 u kif emendat b’Atti sussegwenti;”.

Emenda ta’  
l-artikolu 3  
ta’ l-Att prinċipali.

**4.** Is-subartikolu (2) ta’ l-artikolu 3 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

(a) f’paragrafu (d), il-kelma “u” fi tmiem il-paragrafu għandha tiġi imhassra; u

(b) minnufih wara l-paragrafu (e), għandhom jiżdiedu dawn il-paragrafi ġodda li ġejjin:

“(f) il-qadi u t-twettiq tal-funzjonijiet ta’ awtorità kompetenti skond ir-Regolament dwar il-ko-operazzjoni u il-protezzjoni tal-konsumatur; u

(g) il-qadi u t-twettiq tal-funzjonijiet ta’ l-uffiċċju għal kooperazzjoni unika f’Malta li hu responsabbli għall-koordinazzjoni fl-applikazzjoni tar-Regolament dwar il-ko-operazzjoni u l-protezzjoni tal-konsumatur.”.

Emenda ta’  
l-artikolu 12 ta’  
l-Att prinċipali.

**5.** L-artikolu 12 ta’ l-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1), minnufih wara l-kliem “taht id-disposizzjonijiet ta’ l-artikolu 9,” għandhom jidhlu l-kliem “jew bi ksur jew nuqqas ta’ osservanza tad-disposizzjonijiet ta’ l-artikoli 44 sa 50 jew tad-disposizzjonijiet ta’ l-Att dwar il-Kuntratti fuq l-Għatba tal-Bieb” u minnufih wara l-kliem “kontra l-kummerċjant taht ir-regolament” għandhom jidhlu il-kliem “jew il-provvediment”;

(b) minnufih wara subartikolu (1), għandu jidhol dan is-subartikolu ġdid li ġej:

“(2) Meta d-Direttur iqis li jkun hekk adatt, huwa jista’ jordna l-pubblikazzjoni ta’ dik il-garanzija minn ta’ l-inqas

f'żewġ gazzetti ta' kuljum, u l-ispejjeż relattivi ghal dan ghandhom jithallsu mill-kummerċjant.”; u

(ċ) is-subartikoli (2), (3) u (4) ghandhom jiġu enumerati mill-ġdid bhala s-subartikoli (3), (4) u (5) rispettivament.

**6.** Fil-paragrafu (f), tat-tifsira ta' “produttur” fl-artikolu 56 ta' l-Att prinċipali, minflok il-kliem “barra minn Malta, kull min jimporta ġewwa Malta” ghandhom jidhlu l-kliem “barra minn Stat taż-ŻEE, kull minn jimporta ġewwa Stat taż-ŻEE”. l-Emenda ta' l-artikolu 56 ta' l-Att prinċipali.

**7.** L-artikolu 71 ta' l-Att prinċipali ghandu jiġi sostitwit bl-artikolu ġdid li ġej: Sostituzzjoni ta' l-artikolu 71 ta' l-Att prinċipali.

“71. Din it-Taqsima ghandha tapplika ghal prodotti li jitqieghdu fiċ-ċirkolazzjoni f'xi Stat taż-ŻEE mill-1 ta' Mejju, 2004.”.

**8.** Minnufih wara l-artikolu 71 fit-Taqsima VII ta' l-Att prinċipali ghandu jizjed l-artikolu ġdid li ġej: Żjieda ta' artikolu 71A ġdid fl-Att prinċipali.

“71A. L-ghan ta' din it-Taqsima huwa biex jiġu implimentati d-disposizzjonijiet tad-Direttiva tal-Kunsill 85/374 KEE tal-25 ta' Lulju, 1985 dwar l-approssimazzjoni tal-liġijiet, regolamenti u disposizzjonijiet amministrattivi ta' l-Istati Membri li ghandhom x'jaqsmu mar-responsabbiltà ghal prodotti difettużi, kif emendata bid-Direttiva 1999/34/KE tal-Parlament Ewropew u tal-Kunsill ta' l-10 ta' Mejju, 1999, u din it-Taqsima ghandha tiġi applikata u interpretata skond hekk.”.

**9.** L-artikolu 102 ta' l-Att prinċipali ghandu jiġi emendat kif ġej: Emenda ta' l-artikolu 102 ta' l-Att prinċipali.

(a) l-artikolu 102 ghandu jiġi enumerat mill-ġdid bhala subartikolu (1) ta' l-istess artikolu;

(b) minnufih wara s-subartikolu (1) kif enumerat mill-ġdid, ghandu jizjed dan is-subartikolu (2) ġdid li ġej:

“(2) Meta jsir skambju ta' uffiċjali minn awtoritajiet kompetenti skond ir-Regolament dwar il-ko-operazzjoni u il-protezzjoni tal-konsumatur, id-Direttur jista' jawtorizza bil-miktub lil dawn l-uffiċjali biex jaqdu, ghalkollox jew biss f'parti, kull funzjoni jew jeżerċitaw xi poter moghti lilu taht din it-Taqsima.”.

Żjeda ta' l-artikolu 104A ġdid ma' l-Att prinċipali.

**10.** Minnufih wara l-artikolu 104 ta' l-Att prinċipali, ghandu jżied dan l-artikolu 104A ġdid li ġej:

“Assistenza reċiproka ma' awtoritajiet ohra.

104A. (1) Minkejja d-disposizzjonijiet ta' dan l-Att, id-Direttur jista', biex ikun jista' jaqdi l-funzjoni tiegħu bħala awtorità kompetenti taht ir-Regolament dwar il-ko-operazzjoni u il-protezzjoni tal-konsumatur, jitlob, jirċievi, jikxef u jiskambja informazzjoni fi kwistjonijiet li jirrigwardaw l-assistenza reċiproka ma' awtoritajiet kompetenti ohra skond ir-Regolament dwar il-ko-operazzjoni u il-protezzjoni tal-konsumatur u l-Att dwar il-Protezzjoni u l-Privatezza tad-Data.

(2) Minkejja id-disposizzjonijiet ta' kull liġi ohra, id-direttur jista' jipproduci bħala prova quddiem qorti jew tribunal kull informazzjoni, inklużi dokumenti, rizultanzi, stqarrijiet, kopji veri u awtentikati jew tagħrif iehor li tiġi riċevuta minghand awtoritajiet kompetenti skond is-subartikolu (1).”

## Taqsimha II

Emenda ta' l-Att dwar l-Avjazzjoni Ċivili, Kap. 232.

**11.** Din it-Taqsimha temenda u ghandha tinqara u tiftiehem bħala haġa waħda ma' l-Att dwar l-Avjazzjoni Ċivili, hawn iżjed 'il quddiem f'din it-Taqsimha msejjah “l-Att prinċipali”.

Emenda ta' l-artikolu 3 ta' l-Att prinċipali.

**12.** L-artikolu 3 ta' l-Att prinċipali ghandu jiġi emendat kif ġej:

(a) fil-paragrafu (ċ) tas-subartikolu (1), minflok il-kliem “skond dan l-Att.” ghandhom jidhlu l-kliem “taht dan l-Att;” u minnufih wara l-imsemmi paragrafu (ċ) ghandu jżied dan il-paragrafu ġdid li ġej:

“(d) biex tiġi implementata kull obligazzjoni tal-Komunità Ewropea f'dak li għandu x'jaqdam mat-trasport bl-ajru u ma' l-avjazzjoni ċivili.”; u

(b) minnufih wara s-subartikolu (4) ghandu jżied dan is-subartikolu ġdid li ġej:

“(5) Regolamenti jew ordnijiet magħmulin taht dan l-artikolu jistgħu, bil-ghan li dawn jiġu implimentati u infurzati sew, jipprovdu dwar l-ghoti tas-setgħa lid-Direttur ta' l-Avjazzjoni Ċivili li jidhol u jagħmel tfittxija ġewwa kull fond, li jkun jista' jara kull dokument rilevanti f'kull forma li jkun, li jehtieg lil kull persuna tipprovdu kull informazzjoni

rilevanti, li jagħmel spezzjoni fuq il-post, li johroġ ordni lil persuni biex dawn jieqfu milli jagħmlu xi haġa li tikkostitwixxi ksur ta' dan l-Att jew ta' kull regolament jew ordni magħmula tahtu, u li jitolbu minghand persuni garanzija illi jieqfu milli jkomplu jagħmlu xi haġa minn dawk u li jippubblikaw kull garanzija bhal dik u kull deċiżjoni tad-Direttur skond ma dawn ikollhom x'jaqsmu ma' dawk ir-regolamenti jew ordnijiet.”.

### Taqsimha III

**13.** Din it-Taqsimha temenda u għandha tinqara u tiftiehem bħala <sup>Emenda ta' l-Att</sup> <sup>dwar ix-Xandir,</sup> <sup>Kap. 350.</sup> haġa waħda ma' l-Att dwar ix-Xandir, hawn izjed 'il quddiem f'din it-Taqsimha msejjah “l-Att prinċipali”.

**14.** Minnufih wara l-artikolu 16A ta' l-Att prinċipali għandu <sup>Zjjeda ta' artikolu</sup> <sup>għdid 16B ma'</sup> <sup>l-Att prinċipali.</sup> jidded artikolu 16B għdid li ġej:-

“Radju  
diġitali.

**16B.** (1) L-Awtorità hija b'dan inkarigata li tillicenzja l-kontenut fuq is-servizzi tar-radju diġitali.

(2) Il-Prim Ministru jista', bi qbil ma' l-Awtorità, jagħmel regolamenti biex jagħtu effett aħjar lid-disposizzjonijiet ta' dan l-artikolu u jista', bla ħsara għall-generalità ta' dak li intqal qabel, jippreskrivi:-

(a) il-metodu ta' applikazzjoni, magħdud il-formoli li għandhom jintużaw meta ssir applikazzjoni għall-hruġ ta' licenzja tax-xandir;

(b) it-tagħrif ta' xorta teknika jew mod ieħor li għandha tingħata flimkien ma' kull applikazzjoni;

(c) il-kundizzjonijiet li taħthom tista' tinħareġ licenzja diġitali tax-xandir, kif ukoll il-kundizzjonijiet li taħthom tista' tiġi emendata, mibdula, sospiza jew revokata;

(d) il-kundizzjonijiet li taħthom kull stallazzjoni, apparat jew proprjetà oħra ta' detentur ta' licenzja ta' radju diġitali tax-xandir, għandhom jiġu stallati, operati, miżmumin, protetti, kontrollati jew b'xi mod salvagwardati u l-projbizzjoni ta' l-użu ta' stallazzjoni, apparat jew tagħmir perikoluż;

(e) kull tariffa ta' prezzijiet, drittijiet u hlasijiet li jistgħu jew huma meħtieġa li jiġu preskritti minn jew

taht id-disposizzjonijiet maghmulin taħtha u ż-żmien, lok u mod għall-hlas ta' dawk il-prezzijiet, drittijiet u hlasijiet u l-mod ta' ġbir u tnehhija tagħhom;

(f) il-perjodu li matulu liċenzja ta' radju diġitali tax-xandir tibqa' valida;

(g) il-kundizzjonijiet li taħthom persuni li jkollhom liċenzja ta' radju diġitali tax-xandir taħt dan l-Att għandhom ihaddmu servizzi tax-xandir;

(h) il-kwalifiki li persuni għandu jkollhom qabel ma jkunu jistgħu jiġu fdati bil-bini, tiswija, tibdil jew kontroll ta' xi apparat jew stallazzjoni li għandu jintuża minn xi kuntrattur jew detentur ta' liċenzja ta' radju diġitali tax-xandir, u x-xorta ta' testli għandhom isiru sabiex jiġi aċċertat jekk persuni jkollhomx dawk il-kwalifiki;

(i) il-miżuri li għandhom jittieħdu u t-tagħmir li għandu jiġi provvist u użat f'dak li għandu x'jaqsam ma' stallazzjonijiet sabiex jassiguraw is-sigurezza pubblika u s-sigurezza privata;

(j) il-mezzi li għandhom jiġu adottati, sew bi projbizzjoni sew mod ieħor, sabiex jipprevjenu jew inaqqsu xi periklu, hsara jew għelt li jista' jkun hemm jew li jkun hemm mit-thaddim ta' xi stallazzjonijiet jew apparat użati minn kuntrattur jew detenturi ta' liċenzji ta' radju diġitali tax-xandir;

kull haġ'ohra li tista' tidher lill-Prim Ministru u lill-Awtorità bħala meħtieġa jew spedjenti għall-aħjar twettiq tad-disposizzjonijiet ta' dan l-Att sabiex jassigura s-sigurezza tal-pubbliku, jew sabiex jagħtu seħh lil, u jassigura konformità ma', xi jew kull direttiva jew kodiċi li jistgħu jinħarġu mill-Awtorità bis-saħħa ta' dan l-Att, jew b'mod ġenerali sabiex jassiguraw servizzi ta' radju diġitali xierqa jew *il-monitoring* u sorveljar ta' dawk is-servizzi f'Malta.'.

Emenda ta'  
l-artikolu 37 ta'  
l-Att prinċipali.

**15.** L-artikolu 37 ta' l-Att prinċipali għandu jiġi emendat kif ġej:

(a) il-paragrafu (f) tas-subartikolu (2) għandu jiġi enumerat mill-ġdid bħala l-paragrafu (g); u

(b) minnufih wara l-paragrafu (e) tas-subartikolu (2) ghandu jizzied dan il-paragrafu gdid li ġej:

“(f) biex tiġi implimentata kull obbligazzjoni tal-Komunità Ewropea f’dak li ghandu x’jaqsam max-xandir.”;

(ċ) minnufih wara s-subartikolu (2) ghandu jizzied dan is-subartikolu gdid li ġej:

“(3) Regolamenti maghmulin taht is-subartikolu (2) jistgħu, bil-ghan li dawn jiġu implimentati u infurzati sew, jipprovdu dwar l-ghoti tas-setgħa lill-Awtorità tax-Xandir u lil kull uffiċjal u impjegat tagħha li jidhlu u jagħmlu tfittxija ġewwa kull fond, li jkunu jistgħu jaraw kull dokument rilevanti f’kull forma li jkun, li jehtieġu lil kull persuna tipprovdi kull informazzjoni rilevanti, li jagħmlu spezzjoni fuq il-post, li johorġu ordni lil persuni biex dawn jieqfu milli jagħmlu xi haġa li tikkostitwixxi ksur ta’ dan l-Att jew ta’ kull leġislazzjoni sussidjarja maghmula tahtu, u li jitolbu minghand persuni garanzija illi jieqfu milli jkomplu jagħmlu xi haġa minn dawk u li jipubblikaw kull garanzija bhal dik u kull deċiżjoni ta’ l-Awtorità, ta’ l-uffiċjali u l-impjegati tagħha skond ma dawn ikollhom x’jaqsmu ma’ dik il-leġislazzjoni sussidjarja.”.

#### Taqsimha IV

**16.** Din it-Taqsimha temenda l-Att dwar l-Awtorità Maltija dwar <sup>Emenda ta’ l-Att</sup> ~~l-Istandards~~ u ghandha tinqara u tinftiehem haġa wahda ma’ l-Att dwar <sup>dwar l-Awtorità</sup> ~~l-Istandards~~ Maltija dwar <sup>Maltija dwar</sup> ~~l-Istandards~~, hawnhekk iżjed ’il quddiem f’din <sup>l-Istandards,</sup> it-Taqsimha msejjah “l-Att prinċipali”. <sup>Kap. 419.</sup>

**17.** Fit-tifsira ”Ministru” fl-artikolu 2 ta’ l-Att prinċipali, minflok <sup>Emenda ta’</sup> ~~il-kliem~~ “responsabbli għall-industrija” ghandhom jidhlu l-kliem <sup>l-artikolu 2</sup> ~~il-kliem~~ <sup>ta’ l-Att prinċipali.</sup> “responsabbli għall-Awtorità Maltija dwar ~~l-Istandards~~”.

#### Taqsimha V

**18.** Din it-Taqsimha temenda l-Att dwar il-Metroloġija u ghandha <sup>Emenda ta’ l-Att</sup> ~~tinqara~~ u tinftiehem haġa wahda ma’ l-Att dwar il-Metroloġija <sup>dwar il-Metroloġija,</sup> ~~tinqara~~ hawnhekk iżjed ’il quddiem f’din it-Taqsimha msejjah “l-Att prinċipali”. <sup>Kap. 454.</sup>

**19.** Fis-subartikolu (2) ta’ l-artikolu 1 ta’ l-Att prinċipali, minflok <sup>Emenda ta’</sup> ~~il-kliem~~ “responsabbli għall-industrija” ghandhom jidhlu l-kliem <sup>l-artikolu 1</sup> ~~il-kliem~~ <sup>ta’ l-Att prinċipali.</sup> “responsabbli għall-Awtorità Maltija dwar ~~l-Istandards~~”.

Emenda ta'  
l-artikolu 2  
ta' l-Att prinċipali.

**20.** Fit-tifsira “Ministru” fl-artikolu 2 ta’ l-Att prinċipali, minflok il-kliem “responsabbli għall-industrija” għandhom jidhlu l-kliem “responsabbli għall-Awtorità Maltija dwar l-~~l~~standards”.

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Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 426 tas-26 ta’ Lulju, 2006.

ANTON TABONE  
*Speaker*

RICHARD J. CAUCHI  
*Skrivan tal-Kamra tad-Deputati*



I assent.

(L.S.)

GEORGE HYZLER  
Acting President

8th August, 2006

**ACT No. XV of 2006**

*AN ACT to amend various laws for the enforcement of consumer protection powers.*

1. (1) The short title of this Act is the Consumer Protection <sup>Short title.</sup> Laws (Amendment) Act, 2006.

(2) The provisions of this Act shall be deemed to have come into force on the 29<sup>th</sup> December, 2005.

**Part I**

2. This Part amends and shall be read and construed as one with <sup>Amendment to the Consumer Affairs Act, Cap. 378.</sup> the Consumer Affairs Act, hereinafter in this Part referred to as “the principal Act”.

3. Article 2 of the principal Act shall be amended as follows: <sup>Amendment of article 2 of the principal Act.</sup>

(a) immediately after the definition “registered consumer association” there shall be inserted the following new definition:

“ “consumer protection co-operation Regulation” means Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004 on co-operation between national authorities responsible for the enforcement of consumer protection laws (text with EEA relevance);” and

(b) immediately after the definition “Director” there shall be added the following new definition:

““EEA State” means a State which is a contracting party to the agreement on the European Economic Area signed at Oporto on the 2nd May, 1992 as amended by the Protocol signed at Brussels on the 17th March, 1993 and as amended by any subsequent Acts;”.

Amendment of article 3 of the principal Act.

**4.** Subarticle (2) of article 3 of the principal Act shall be amended as follows:

(a) in paragraph (d) thereof, the word “and” at the end of the paragraph shall be deleted; and

(b) immediately after paragraph (e) there shall be added the following new paragraphs:

“(f) to serve as and perform the functions of a competent authority in terms of the consumer protection co-operation Regulation; and

(g) to serve as and perform the functions of the single liaison office in Malta responsible for coordinating the application of the consumer protection co-operation Regulation.”.

Amendment of article 12 of the principal Act.

**5.** Article 12 of the principal Act shall be amended as follows:

(a) immediately after the words “under the provisions of article 9,” there shall be inserted the words “or a breach of or a failure to comply with the provisions of articles 44 to 50 or with the provisions of the Doorstep Contracts Act” and immediately after the words “against the trader under the relevant regulation” there shall be inserted the words “or provision”;

(b) immediately after subarticle (1) thereof, there shall be added the following new subarticle:

“(2) Where the Director deems it appropriate, he may order the publication of the said undertaking in at least two daily newspapers, and that the relative expenses shall be borne by the trader;” and

(c) subarticles (2), (3) and (4) shall be renumbered as subarticles (3) (4) and (5) respectively.

**6.** In paragraph (f) of the definition “producer” in article 56 of the principal Act, for the words “outside Malta, any person who imports into Malta” there shall be substituted the words “outside an EEA State, any person who imports into an EEA State”.

Amendment of article 56 of the principal Act.

**7.** Article 71 of the principal Act shall be substituted by the following new article:

Substitution of article 71 of the principal Act.

“71. This part shall apply to products which are put into circulation in any EEA State as from 1st May, 2004.”.

**8.** Immediately after article 71 in Part VII of the principal Act there shall be added the following new article:

Addition of new article 71A to the principal Act.

“71A. The purpose of this Part is to implement the provisions of Council Directive 85/374/EEC of 25 July 1985 on the approximation of the laws, regulations and administrative provisions of the Member States concerning liability for defective products as amended by Directive 1999/34/EC of the European Parliament and of the Council of 10 May 1999 and this Part shall be applied and interpreted accordingly.”.

**9.** Article 102 of the principal Act shall be amended as follows:

Amendment of article 102 of the principal Act.

(a) article 102 of the principal Act shall be renumbered as subarticle (1) thereof;

(b) immediately after subarticle (1) as renumbered, there shall be added the following new subarticle:—

“(2) Where there is an exchange of officials from competent authorities in terms of the consumer protection co-operation Regulation, the Director may in writing authorise such officials to perform, in full or in part, any of the functions or exercise any of the powers granted to him under this Part.”.

**10.** Immediately after article 104 of the principal Act, there shall be added the following new article 104A.

Addition of new article 104A to the principal Act.

“Mutual assistance with other authorities.

104A. (1) Notwithstanding anything contained in this Act, the Director may, in order to carry out his function as competent authority under the consumer protection co-operation Regulation, request, receive, disclose and exchange information in matters of mutual assistance with other competent authorities in terms of the consumer protection co-operation Regulation and the Data Protection Act.

(2) Notwithstanding the provisions of any other law, the Director may produce as evidence before any court or tribunal any such information, including documents, findings, statements, certified true copies or intelligence received from competent authorities in terms of subarticle (1).” .

## Part II

Amendments to the Civil Aviation Act, Cap. 232.

**11.** This Part amends and shall be read and construed as one with the Civil Aviation Act, hereinafter in this Part referred to as “the principal Act”.

Amendment of article 3 of the principal Act.

**12.** Article 3 of the Principal Act shall be amended as follows:

(a) in paragraph (c) of subarticle (1) thereof the words “under this Act.” shall be substituted with the words “under this Act;” and immediately after the said paragraph (c) there shall be added the following new paragraph:

“(d) for implementing any European Community obligation in matters relating to air transport or civil aviation.”; and

(b) immediately after subarticle (4) thereof there shall be added the following new subarticle:

“(5) Regulations or orders under this article may, for the purpose of the proper implementation and enforcement thereof, provide for the granting of the power to the Director of Civil Aviation to enter and search any premises, to have access to any relevant document in any form, to require any person to supply any relevant information, to carry an on-site inspection, to issue an order to any person to cease from doing any thing which constitutes an infringement of this Act or of any regulation or order made thereunder and to demand from any person an undertaking to desist from doing any such thing and to publish any such undertaking and any decision of the Director related to the said regulations or orders.”.

## Part III

Amendments to the Broadcasting Act, Cap. 350.

**13.** This Part amends and shall be read and construed as one with the Broadcasting Act, hereinafter in this Part referred to as “the principal Act”.

**14.** Immediately after article 16A of the principal Act there shall be added the following new article 16B:-

Addition of new article 16B to the principal Act.

“Digital Radio. **16B.** (1) The Authority is hereby entrusted with licensing broadcasting content on digital radio services.

(2) The Prime Minister may, following agreement with the Authority, make regulations to give better effect to the provisions of this article and may, without prejudice to the generality of the foregoing, prescribe:

(a) the method of application, including the forms, to be used in an application for a digital radio broadcasting licence;

(b) the information of a technical nature or otherwise to be supplied with each application;

(c) the conditions under which a digital radio broadcasting licence may be issued, as well as the conditions under which it can be amended, altered, suspended or revoked;

(d) the conditions under which any installation, apparatus or other property of a digital radio broadcasting licensee, shall be installed, operated, maintained, protected, controlled, or in any way safeguarded and the prohibition of the use of any dangerous installation, apparatus or fittings;

(e) any tariff of prices, fees and charges which may be or are required to be prescribed by or under the provisions made thereunder and the time, place and manner for the payment of such prices, fees or charges and the mode of collection and disposal thereof;

(f) the period for which a digital radio broadcasting licence shall remain operative;

(g) the conditions under which any persons holding a digital radio broadcasting licence under this article shall operate digital radio broadcasting services;

(h) the qualifications to be possessed by

persons before they may be entrusted with the construction, repair, alteration or control of any apparatus or installation to be availed of by any digital radio broadcasting contractor or licensee, and the nature of the tests to be employed for ascertaining whether persons possess such qualifications;

(i) the measures to be taken and the fittings to be supplied and used in connection with installations in order to secure public safety and private safety;

(j) the means to be adopted, whether by prohibition or otherwise, to prevent or abate any danger, damage or nuisance likely to arise or arising from the working of any installations or apparatus used by a digital radio broadcasting contractor or licensee;

any other matter which the Prime Minister and the Authority consider necessary or expedient for the better carrying out of the provisions of this Act for securing the safety of the public, or for giving effect to, and securing compliance with, any or all of the directives or codes which may be issued by the Authority by virtue of this Act, or in general for ensuring adequate digital radio broadcasting services or the proper monitoring and supervision of such services in Malta.”.

Amendment of article 37 of the principal Act.

**15.** Article 37 of the principal Act shall be amended as follows:

(a) paragraph (f) of subarticle (2) thereof shall be renumbered as paragraph (g) thereof;

(b) immediately after paragraph (e) of subarticle (2) thereof, there shall be added the following new paragraph:

“(f) to implement any European Community obligation in matters relating to broadcasting.”; and

(c) immediately after subarticle (2) thereof there shall be added the following new subarticle:

“(3) Regulations made under subarticle (2) may, for the purpose of the proper implementation and enforcement thereof, provide for the granting of the power to the Broadcasting Authority and to any of its officers and employees to enter and search any premises, to have access to any relevant document in any form, to require any person to supply any relevant information, to carry an on-site inspection, to issue an order to any person to cease from doing any thing which constitutes an infringement of this Act or of any subsidiary legislation made thereunder and to demand from any person an undertaking to desist from doing any such thing and to publish any such undertaking and any decision of the Authority, its officers and employees related to the said subsidiary legislation.”.

#### PARTIV

**16.** This part amends the Malta Standards Authority Act and it shall be read and construed as one with the Malta Standards Authority Act, hereinafter in this Part referred to as “the principal Act”. Amendment of the Malta Standards Authority Act, Cap. 419.

**17.** In the definition “Minister” for the words “responsible for industry” there shall be substituted the words “responsible for the Malta Standards Authority”. Amendment of article 2 of the principal Act.

#### PARTV

**18.** This Part amends the Metrology Act and it shall be read and construed as one with the Metrology Act, hereinafter in this Part referred to as “the principal Act”. Amendment of the Metrology Act, Cap. 454.

**19.** In subarticle (2) of article 1 of the principal Act, for the words “responsible for industry” there shall be substituted the words “responsible for the Malta Standards Authority”. Amendment of article 1 of the principal Act.

**20.** In the definition “Minister” for the words “responsible for industry” there shall be substituted the words “responsible for the Malta Standards Authority”. Amendment of article 2 of the principal Act.

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Passed by the House of Representatives at Sitting No. 426 of 26th July, 2006.

ANTON TABONE  
*Speaker*

RICHARD J. CAUCHI  
*Clerk to the House of Representatives*